

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

In re Vitamin Antitrust Litigation

This document relates to: ALL ACTIONS

Misc. No. 99-197 (TFH)  
MDL No. 1285

**FILED**

**MAY 22 2002**

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**STIPULATION REGARDING DOCUMENTS AMONG PLAINTIFFS AND THE  
CHOLINE CHLORIDE DEFENDANTS**

The parties identified below in the above-referenced consolidated actions stipulate as follows:

1. Except as set forth in paragraph 5 of this Stipulation, each document produced from the files of a stipulating party bearing such party's bates numbers and produced in response to an opposing party's discovery requests, is an authentic and genuine document in satisfaction of the requirement of authentication and identification of Rule 901 of the Federal Rules of Evidence.

2. In addition, choline chloride sales invoices to customers, choline chloride transactional data generated for and produced in this litigation by a stipulating party, financial reports of the stipulating party regularly generated on a monthly, quarterly or annual basis and any other type of document on which the stipulating parties agree shall presumptively satisfy the business records exception to the hearsay rule (Fed. R. Evid. 803(6)).

3. On their exhibit lists, the parties shall designate as "authenticity stipulated" and/or "business record stipulated" any documents on their exhibit lists that are covered by this Stipulation. In the event that the producing party discovers that a specific document so

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designated on an exhibit list is not, in fact, authentic or genuine, that it is incomplete, that it includes pages that are not part of the document, or that it does not constitute a Fed. R. Evid. 803(6) business record, that party shall be permitted to withdraw its stipulation as to that particular document. If the producing party is not a party in a case, or a group of cases that have been consolidated for trial, when exhibit lists are exchanged (irrespective of whether it was dismissed or had never been a party), any other party in that case having a good faith belief that a specific document is not, in fact, authentic or genuine, that it is incomplete, that it includes pages that are not part of the document, or that it does not constitute a Fed. R. Evid. 803(6) business record, shall be permitted to withdraw its stipulation as to that particular document. After written notification of withdrawal of the stipulation and objection to authenticity, the opposing party and the withdrawing party shall meet and confer to attempt to resolve their differences and, if they are unable to do so within one week, the opposing party shall have the right to direct appropriate supplemental discovery requests to any party, including requests for depositions in Washington DC, limited to the issue of the authenticity, genuineness, completeness or business record nature of the withdrawn document. Consistent with Local Civil Rule 16.5(b)(6), exhibits will be presumed authentic unless objected to and the objection is sustained.

4. Nothing in this Stipulation establishes the admissibility of any document, nor shall be taken to mean that any party has accepted any characterization other than those to which the parties have specifically stipulated.

5. In addition, this Stipulation does not apply to any document that, although produced by a stipulating party, is specifically identified within ten (10) days of the parties'

exchange of exhibit lists as having not been (1) generated or created by the producing party or (2) produced from the producing party's files (such as documents produced by Bioproducts and identified on Exhibit A-4 to its response to plaintiffs' request for admissions, including e.g., documents bearing the Bates numbers "BIO 64-290"). The parties reserve their respective rights with respect to the authenticity and admissibility of these documents but agree that if such documents are so identified after the exchange of exhibit lists, the opposing party shall have the right to direct appropriate supplemental discovery requests, including requests for depositions in Washington DC, limited to the issue of the authenticity, genuineness, completeness or business record nature of the withdrawn document. Consistent with Local Civil Rule 16.5(b)(6), exhibits will be presumed authentic unless objected to and the objection is sustained.

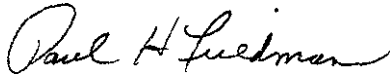
6. The parties also agree that no party waives any defense previously asserted in any action.

7. Stipulating Defendants acknowledge that, by entering into this separate stipulation, Plaintiffs do not concede that the claims against any or all of the Choline Chloride Defendants should be severed or tried separately from the claims against any other defendant in MDL 1285. Nothing in this Stipulation subjects the Stipulating Defendants to any stipulation or agreement made by the parties to that Stipulation Regarding Documents between Plaintiffs and all other defendants executed by liaison counsel on February 12, 2002. Plaintiffs' willingness to enter into this separate stipulation shall not be asserted in any manner by Stipulating Defendants as a basis or justification for severing Direct Action Plaintiffs' claims in the consolidated actions and shall not prejudice Direct Action Plaintiffs' right to

seek, or Stipulating Defendants' right to oppose, trials combining Choline Chloride claims with claims arising out of an alleged conspiracy regarding other vitamins.

Dated: May 10, 2002

DECHERT PRICE & RHOADS



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*On behalf of the following Choline Chloride  
Defendants for Purpose of this Stipulation:*  
*Bioproducts Incorporated*  
*Chinook Group, Ltd.*  
*Chinook Group, Inc.*  
*ConAgra, Inc.*  
*DCV, Inc.*  
*DuCoa, L.P.*  
*E.I. Dupont DeNemours & Co.*  
*Mitsui & Co. Ltd*  
*Mitsui & Co., Inc.*  
*UCB S.A.*  
*UCB Chemicals Corp.*  
*UCB, Inc.*

Respectfully submitted,

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

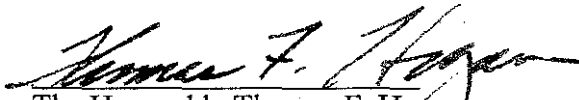


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*On behalf of all Plaintiffs who have sued  
Stipulating Defendants for purposes of this  
Stipulation*

SO ORDERED:



The Honorable Thomas F. Hogan  
United States District Judge

Dated: May 14, 2002